

AMENDMENTS TO THE CLAIMS

1. (Currently Amended) A surgical instrument system, comprising:
 - a distractor including a shaft and a paddle, the paddle being located on a distal end of the shaft;
 - a filler bar shaped to removably engage the shaft and paddle of the distractor;
 - wherein when the filler bar is engaged to the distractor, the filler bar provides rigidity and torque strength so that the distractor can be inserted between adjacent vertebrae in a first orientation and rotated to distract the adjacent vertebrae;
 - wherein the distractor paddle includes a first height dimension when presented in an insertion orientation and a second height dimension when rotated approximately 90 degrees to a distraction orientation, the second height dimension being greater than the first height dimension, the paddle having inferior and superior surfaces for contacting adjacent vertebrae in the distraction orientation;~~and~~
 - wherein the filler bar is dimensioned so as not to extend beyond the superior and inferior surfaces of the paddle; and
 - wherein the distractor paddle and shaft present a guide surface for guiding the placement of an implant when the distractor is in the distraction orientation, and the distractor paddle further comprises an angled guide feature that is configured to guide an implant through a partial rotation to a desired angle.
2. (Canceled)
3. (Previously Presented) The system of claim 1, wherein the filler bar extends substantially along at least one side of the shaft and paddle.
4. (Canceled)

5. (Original) The system of claim 3, wherein the filler bar is slidably engageable to and removable from the distractor along a longitudinal axis of the distractor.

6. (Previously Presented) The system of claim 1, wherein at least one of the inferior and superior surfaces of the paddle include a means for preventing migration of the distractor during distraction.

7. (Original) The system of claim 6, wherein the means for preventing migration includes a bone engaging element.

8. (Original) The system of claim 7, wherein the bone engaging element includes at least one tooth.

9. (Original) The system of claim 6, wherein the means for preventing migration includes at least one expansion shoulder operable to extend beyond at least one of the inferior or superior surfaces so as to increase the second height dimension.

10. (Canceled)

11. (Currently Amended) The system of claim ~~14~~0, wherein the angled guide feature includes an angled surface integral with a distal portion of the paddle.

12. (Canceled)

13. (Canceled)

14. (Currently Amended) The system of claim ~~14~~0, wherein the angled guide feature is formed from a shape memory material.

15. (Currently Amended) The system of claim 140, further comprising an implant inserter having an angled distal end, the angle corresponding approximately to the angle provided on the angled guide feature.
16. (Currently Amended) The system of claim 140, further comprising an implant inserter having an articulating implant holder operable to rotate an implant to a desired angle.
17. (Previously Presented) The system of claim 1, further comprising a minimally invasive access port through which the distractor is dimensioned to be placed.
18. (Currently Amended) ~~The system of claim 1;~~ A surgical instrument system, comprising:
a distractor including a shaft and a paddle, the paddle being located on a distal end of the shaft, and a guide feature extending along the shaft and the paddle;
a filler bar shaped to removably engage the shaft and paddle of the distractor;
wherein the distractor paddle includes a first height dimension when presented in an insertion orientation and a second height dimension when rotated approximately 90 degrees to a distraction orientation, the second height dimension being greater than the first height dimension, the paddle having inferior and superior surfaces for contacting adjacent vertebrae in the distraction orientation; and
wherein further comprising a guide feature extending along the shaft and paddle, the guide feature is configured for mating with at least one of an implant and an implant inserter to guide an insertion of an implant along the distractor; and
when the filler bar is engaged to the distractor, the filler bar provides rigidity and torque strength so that the distractor can be inserted between adjacent vertebrae in a first orientation and rotated to distract the adjacent vertebrae and wherein the filler bar is dimensioned so as not to extend beyond the superior and inferior surface of the paddle.
19. (Canceled)
20. (Currently Amended) A surgical instrument system, comprising:
a distractor including

a shaft; and

a paddle, the paddle being located on a distal end of the shaft; and

an implant inserter; and

a filler bar shaped to removably engage the shaft and paddle of the distractor;

wherein the distractor paddle and shaft present an inserter guide surface for guiding the placement of an implant when the distractor is in the distraction orientation, and the distractor paddle further comprises an angled guide feature that is configured to guide an implant through a partial rotation to a desired angle;

wherein the implant inserted includes a corresponding feature that mates with the guide surface to guide the implant inserter along the distractor in inserting an implant;

wherein the distractor paddle includes a first height dimension when presented in an insertion orientation and a second height dimension when rotated approximately 90 degrees to a distraction orientation, the second height dimension being greater than the first height dimension, the paddle having inferior and superior surfaces for contacting adjacent vertebrae in the distraction orientation; and

when the filler bar is engaged to the distractor, the filler bar provides rigidity and torque strength so that the distractor can be inserted between adjacent vertebrae in a first orientation and rotated to distract the adjacent vertebrae.

21. (Original) The system of claim 20, wherein the angled guide feature includes an angled surface integral with a distal portion of the paddle.

22. (Canceled)

23. (Canceled)

24. (Original) The system of claim 20, wherein the angled guide feature is formed from a shape memory material.

25. (Previously Presented) The system of claim 20, wherein the implant inserter has an angled distal end, the angle corresponding approximately to the angle provided on the angled guide feature.
26. (Previously Presented) The system of claim 20, wherein the implant inserter has an articulating implant holder operable to rotate an implant to a desired angle.
27. (Original) The system of claim 20, further comprising a minimally invasive access port through which the distractor is dimensioned to be placed.
28. (Canceled)
29. (Canceled)
30. (Currently Amended) The system of claim ~~20~~²⁹, wherein at least one of the inferior and superior surfaces of the paddle include a means for preventing migration of the distractor during distraction.
31. (Original) The system of claim 30, wherein the means for preventing migration includes a bone engaging element.
32. (Original) The system of claim 31, wherein the bone engaging element includes at least one tooth.
33. (Previously Presented) The system of claim 30, wherein the means for preventing migration includes at least one expansion shoulder operable to extend beyond at least one of the inferior or superior surfaces so as to increase the second height dimension.
- 34-62. (Canceled)

63. (Previously Presented) The system of claim 1, wherein the filler bar includes an elongate shaft and a stabilizing plate.

64. (Previously Presented) The system of claim 63 wherein the shaft of the filler bar has a diameter less than a diameter than the distractor.

65. (Previously Presented) The system of claim 63, wherein the stabilizing plate is sized and shaped so as to nest within the distractor paddle.